

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION

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PEOPLE OF THE STATE OF NEW YORK	:	In a removal from the Supreme Court of
	:	the State of New York, County of New
v.	:	York, Criminal Term, Part 59
	:	State case number: IND-71543-23
DONALD J. TRUMP,	:	Judge Juan Merchan, presiding
Defendant	:	
	:	CONSTITUTIONAL QUESTIONS
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**Intervenor Lewis Brooks McKenzie's Motion to Certify
Questions to the Second Circuit Court of Appeals**

TO THE HONORABLE ALVIN K. HELLERSTEIN:

Comes now Intervenor, Lewis Brooks McKenzie, pursuant to 52 USC § 30110, moving the Court to now certify questions promptly to the Second Circuit Court of Appeals, stating thusly:

Immediately after the state court arraignment of President Trump, media pundits, figureheads on both sides of the political aisle, and various personalities, *including* sitting elected officials, began to openly ponder the possible ramifications of Manhattan District Attorney Bragg opening “Pandora’s Box” by actually charging President Trump as he did, i.e., that politically-motivated local prosecutors and/or even state attorneys general, anywhere across the land, might suddenly start using *state law* powers to charge currently-sitting and/or former *federal* officeholders, such as Members of Congress, Secretaries of the Cabinet, and/or any and all Presidents, all and the same such actions being primarily induced by and under pressure of political party motivations.

Indeed, reportedly there are already now some such possible prosecutions in the works. This kind of total political breakdown cannot be allowed. The Second Circuit should settle the issue.

MEMORANDUM OF LAW IN SUPPORT

This undersigned Intervenor is a registered voter and therefore an “individual eligible to vote in any election for the office of President” – *see* the supporting Declaration hereto.

This undersigned Intervenor has also today filed my Notice of Constitutional Questions Regarding the Federal Election Campaign Act, triggering the provisions of 52 USC § 30110, which clearly states, in full:

The Commission, the national committee of any political party, or any individual eligible to vote in any election for the office of President may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this Act. The district court immediately shall certify all questions of constitutionality of this Act to the United States court of appeals for the circuit involved, which shall hear the matter sitting *en banc*.

Accordingly, the Court is guided by 52 USC § 30110 to “immediately” certify Intervenor’s same said Notice of Constitutional Questions Regarding the Federal Election Campaign Act to the Second Circuit Court of Appeals sitting *en banc* for further proceedings upon these matters.

WHEREFORE, undersigned Intervenor, Lewis Brooks McKenzie, moves this Court to now promptly certify said notice of constitutional questions formally raised unto the Second Circuit Court of Appeals pursuant to 52 USC § 30110, and prays for all just relief within these premises.

Respectfully submitted,

/s/ Lewis Brooks McKenzie /s/

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Pro Se Intervenor

CERTIFICATE OF SERVICE

I am aware that the SDNY Local Rules provide that no “affirmation of service” is necessary for e-filings by those who are *already* active ECF filing users herein. The undersigned’s ECF motion is now pending with the Court. Accordingly, in the meantime...

I hereby certify: that on this _12th_ day of June, 2023, a true and complete copy of the above *motion to certify* was filed with the Clerk via special *pro se* email address provided, and by direct emails sent with the PDF attachments of all of undersigned’s set of filings today, has been duly served on listed lead counsel to be noticed for Plaintiff People of The State of New York, and likewise for Defendant Donald J. Trump, i.e., on Mr. Colangelo and Mr. Blanche, respectively.

/s/ Lewis Brooks McKenzie /s/

Lewis Brooks McKenzie